

## EXHIBIT 2

ORDINANCE NO. \_\_\_\_\_

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING PORTIONS OF CHAPTER 19.96 OF THE SUNNYVALE MUNICIPAL CODE RELATED TO HERITAGE RESOURCE PRESERVATION

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS  
FOLLOWS:

SECTION 1. **CHAPTER 19.96 AMENDED.** Various sections of Chapter 19.96 of  
the Sunnyvale Municipal Code are hereby amended to read as follows:

a) Section 19.96.030 is amended as follows:

#### **19.96.030. Responsibilities**

(a) – (f) [Text unchanged.]

(g) Review all applications for permits regarding heritage resources, heritage resource  
districts, landmark site or landmark district designated structures that involve changing use,  
exterior alteration or demolition, and approve, disapprove, or approve as modified said  
applications. All related environmental assessments, environmental impact reports and  
environments impact statements which include heritage resources documentation shall also be  
reviewed;

(h) – (p) [Text unchanged.]

b) Section 19.96.040 is amended as follows:

#### **19.96.040. Definitions\***

(a) – (d) [Text unchanged.]

(e) "Heritage housing combining district" means a heritage resource district  
consisting of residential properties which has been ~~designated~~ zoned as a heritage housing  
combining district for the purposes of preserving, protecting, enhancing and perpetuating the  
appearance of the district which contributes to the cultural or aesthetic heritage of the city.

(f) – (l) [Text unchanged.]

c) Section 19.96.065 is hereby added to read in full as follows:

#### **19.96.065. Ranking of heritage resources, alteration process.**

(a) Within the overall category of historic resources, the City recognizes three levels of  
significance, ranked in descending from most significant as follows:

1) Local landmark resource/Local landmark district, and,

2) Designated heritage resource/designated heritage resource district, and

3) Heritage resource/heritage resource district.

(b) Designated heritage resources and heritage resource districts are those resources that have been designated by both the City and the state or federal government as historically significant. Any person desiring to reconstruct, demolish, relocate or modify a designated heritage resource/district must first apply for a resource alteration permit, as described in Section 19.96.090, as well as comply with all state or federal requirements.

(c) No person shall carry out or cause to be carried out on a landmark or in a landmark district any material change in exterior appearance of such landmark or landmark district through alteration, construction, relocation, or demolition without a landmark alteration permit issued by the heritage preservation commission as described in Section 19.96.090.

(d) No person shall carry out or cause to be carried out on a heritage resource or in a heritage resource district any material change in exterior appearance of such resource or district through alteration, construction, relocation, or demolition without a resource alteration permit issued by the heritage preservation commission as described in Section 19.96.095. Minor modifications to heritage resources or heritage resource districts may be processed by City staff through the miscellaneous plan permit process set forth in Chapter 19.82.

d) Section 19.96.095 is hereby added to read in full as follows:

**19.96.095. Construction, demolition, relocation, or material change to heritage resource or heritage resource district.**

(a) No person shall carry out or cause to be carried out on a heritage resource or in a heritage resource district any material change in exterior appearance of such resource or district through alteration, construction, relocation, or demolition without a resource alteration permit issued by the heritage preservation commission.

(b) The department of community development shall maintain with the building inspection division a current record of heritage resources and districts. When an application for a permit which indicates possible material change to the exterior architectural features of the building, structure or district is received, an application for a resource alteration permit shall be required.

(c) The director of community development shall forward all applications to the heritage preservation commission. Upon receipt of an application for a resource alteration permit, the commission shall first consider whether the resource is historically or culturally significant, based upon evidence submitted by staff and the applicant to aid its determination. In the event the commission finds the resource is not culturally or historically significant, it shall return the application to the department of community development for processing in accordance with other relevant city procedures.

(d) If the commission finds the resource to be culturally or historically significant, it shall schedule a public hearing to be held on the matter in accordance with the procedures set forth in Section 19.96.090 for landmark alteration permits.

e) Section 19.96.120 is amended to read as follows:

**19.96.120 Showing of hardship.**

The commission may approve a landmark alteration permit or resource alteration permit to carry out construction, demolition, material change or relocation of a landmark or in a landmark district, or heritage resource, or in a heritage resource district, if the applicant presents facts clearly demonstrating to the satisfaction of the heritage preservation commission at a public hearing that failure to receive such approval will cause an immediate undue and substantial hardship. If hardship is found to exist under this section, the commission shall make a written finding to that effect, and shall also specify in writing the facts relied upon in making such finding

SECTION 2. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that a Notice of Exemption be filed with the Santa Clara County Clerk.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 4. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held \_\_\_\_\_, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor